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7 Attorneys for Defendant
8 VARIAN MEDICAL SYSTEMS, INC.

9
10 UNITED STATES DISTRICT COURT
11 NORTHERN DISTRICT OF CALIFORNIA
12 SAN FRANCISCO DIVISION

13 UNIVERSITY OF PITTSBURGH OF THE
14 COMMONWEALTH SYSTEM OF HIGHER
EDUCATION d/b/a UNIVERSITY OF
15 PITTSBURGH, a Pennsylvania non-profit
corporation (educational),

16 Plaintiff,

17 v.

18 VARIAN MEDICAL SYSTEMS, INC., a
Delaware corporation,

19 Defendant.

20 Case No. CV 08-02973 MMC

21 **DECLARATION OF WILLIAM L.
ANTHONY, JR. IN SUPPORT OF
VARIAN'S MOTION TO TRANSFER
ACTION TO U.S. DISTRICT COURT
FOR WESTERN DISTRICT OF
PENNSYLVANIA**

22 Date: August 1, 2008
23 Time: 9:00 a.m.
24 Courtroom: 7, 19th Floor

I, William L. Anthony, Jr., declare:

2 1. I am a partner in the law firm of Orrick, Herrington & Sutcliffe LLP (“Orrick”),
3 counsel of record for defendant Varian Medical Systems, Inc. (“Varian”) in this action and in
4 *University of Pittsburgh v. Varian Medical Systems, Inc.*, Case No. 2:07-cv-00491-AJS, in the
5 Western District of Pennsylvania (the “Penn. Case”). I am licensed to practice law in the State of
6 California. I have personal knowledge of the facts stated herein, except where otherwise stated,
7 and I could and would testify to those facts if called as a witness.

8 2. On May 16, 2007, I attended a Case Management Conference in Pittsburgh before
9 the Honorable Arthur J. Schwab in the Penn. Case. I attended as lead counsel for Varian. I was
10 accompanied by Varian's local counsel, Henry Sneath, Esq. Lead counsel for the University of
11 Pittsburgh ("UPitt"), Dan Johnson, Esq., was also present.

12 3. On March 28, 2008, I attended a settlement conference in Pittsburgh before Judge
13 Schwab in the Penn. Case. I was accompanied by Keith Askoff, a Varian in-house lawyer and
14 business representative, and Mr. Sneath. Present on behalf of UPitt were Mr. Johnson and Laura
15 Hillock, Esq. During the conference, Judge Schwab held UPitt in contempt for failure to comply
16 with the court's orders related to the conference.

17 I declare under penalty of perjury under the laws of the United States of America that the
18 foregoing is true and correct. Executed in Menlo Park, California on June 27, 2008.

/s/ William L. Anthony, Jr. /s/
William L. Anthony, Jr.